

The present invention as recited, in particular, in claims 11 and 19 relates to a co-extruded plastic tube having an inner portion including a highly lubricious polymeric material and an outer portion including a high tensile strength polymeric material.

Bacehowski relates to a co-extruded tube particularly for use in a centrifuge process or other process wherein the exterior surface of the tube is subjected to friction and abrasion. Thus, Bacehowski's invention resides in providing a co-extruded tube having an outer portion which is permanently lubricated and an inner portion which is a substantially silicone free flexible plastic formulation that is two to four times thicker than the outer lubricated portion. Thus, it is clear that Bacehowski teaches a co-extruded tube having a prelubricated outer portion because it is the outer portion of his tube that is exposed to friction and abrasion. Bacehowski does not teach or suggest a co-extruded tube having a lubricated inner portion. On the contrary, Bacehowski teaches that his inner portion is silicone free. Therefore, the present invention is clearly not anticipated by Bacehowski. Furthermore, in view of the fact that the entire object of Bacehowski's invention is to provide a tube that can resist exterior friction and abrasion and because the inner tube of his device is exposed to bodily fluids, it would clearly be unobvious and would defeat the purposes of Bacehowski to form Bacehowski with a prelubricated inner portion and a

nonlubricated outer portion. In view of the foregoing, it is clear that the present invention as set forth in claims 11-20 is not anticipated by nor obvious in view of Bacehowski as Bacehowski is directed to a completely different structure for a completely different purpose.

Claims 15 and 16 were rejected under 35 U.S.C. 103 as being unpatentable over Bacehowski et al. as applied to claim 11 and further in view of Redding et al.

Claims 15 and 16 are submitted to be allowable over Bacehowski for the reasons set forth above with respect to independent claims 11 and 19. The Examiner's further reliance upon the reference to Redding does not overcome the deficiencies of the primary reference. Indeed, Redding does not teach or suggest the desirability of or manner in which Bacehowski should or could be provided with a prelubricated inner surface and a nonlubricated outer surface without destroying all of the objects of his invention. Furthermore, Redding does not teach or suggest a desirability of or a manner in which Bacehowski could or should be provided with ribs on the interior surface thereof. Again, Bacehowski is directed to a tubing for medical purposes and thus, materials are delivered to or taken from the body through this tubing, particularly blood. As the ordinary artisan is well aware, it is critical that the interior surface of tubes designed to convey blood be as smooth as possible to minimize the likelihood of thrombus formation as the blood flows through the

tubing. Therefore, the ordinary artisan would readily appreciate that it would be undesirable to provide ribs on the interior surface of Bacehowski. Even further, as fluid flows through the interior of Bacehowski's tube and the tube is merely a conduit for conveying such fluid, there is no reason for providing ribs on the interior surface of Bacehowski's tube. Therefore neither Bacehowski nor Redding teach or suggest why it would be desirable to provide Bacehowski with ribs on the interior surface thereof and, indeed, the only motivation for such a modification of Bacehowski is applicant's own disclosure and to satisfy applicant's claims.

In view of the foregoing, it is respectfully submitted that the present invention as set forth in claims 11-20 is not anticipated by nor obvious in view of Bacehowski taken alone or in combination with Redding et al.

Claims 17 and 18 were rejected under 35 U.S.C. 103 as being unpatentable over Bacehowski et al. as applied to claim 11 and further in view of Kleykamp.

Again, claims 17 and 18 are submitted to be allowable over Bacehowski as set forth above with respect to claims 11 and 19. The Examiner's reliance upon Kleykamp does not overcome the deficiencies of the primary reference as Kleykamp does not teach or suggest the desirability of or a manner in which Bacehowski could or should be provided with a prelubricated inner portion and nonlubricated outer portion while still achieving the objects

of his invention. Furthermore, as noted above, the ordinary artisan will readily appreciate that a tube for conveying blood and the like, as disclosed in Bacehowski, should have a smooth interior surface. Therefore the ordinary artisan would clearly not undulate Bacehowski's tube in view of the Kleykamp reference. Finally, as Bacehowski's tube is provided for conveying blood, the ordinary artisan will readily appreciate that forming undulations on the interior and/or exterior surface of Bacehowski would perform no function in Bacehowski and thus would be a modification of Bacehowski without a teaching of the desirability of or a manner in which such a modification could be made other than to satisfy applicant's claims.

In view of the foregoing it is respectfully submitted that the present invention as set forth in claims 11-20 is not anticipated by nor obvious in view of Bacehowski taken alone or further in combination with Kleykamp.

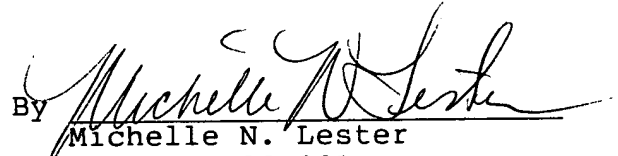
All objections and rejections having been addressed, it is respectfully submitted that the present application is in

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condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

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